

REMARKS

Reconsideration is requested.

Claims Status

Claims 1 to 11 are pending with claims 12 to 17 withdrawn from consideration as directed to a non-elected invention. No claims are currently canceled or amended.

Election

Applicants hereby affirm the provisional election of Group I (claims 1-11). This election is without traverse.

§103 Rejections

Claims 1-11 are rejected under 35 USC §103(a) as being unpatentable over U.S. Patent No. 5,977,228 (Mauer) in view of U.S. Patent No. 3,895,029 (Ward).

The present invention relates to aqueous compositions useful for application to substrates, e.g., leather and textiles, to impart oil- and water-repellency thereto. Compositions of the invention comprises in part an ester derivative of an alpha-hydroxy acid having a melting point of not more than 35°C and a water solubility of not more than 10% by weight at 25°C. Applicants have unexpectedly found that compositions made with selected acid esters and repellency-imparting fluorochemical compounds provide excellent repellency performance out of water-based formulations without the need for curing at elevated temperatures.

In contrast, primary reference Mauer discloses compositions useful as floor finish compositions. It is not analogous to treatments for textiles and leathers.

Among the broad range of plasticizing agents referenced in Mauer are some materials asserted in the Office Action to be similar to the ester acid compounds used in Applicants' claimed compositions. The reference, however, does not provide any teaching or suggestion that the ester derivatives used having the recited melting point and solubility properties recited in Applicants' claims.

The fluorochemical compounds referenced in Mauer are leveling agents, i.e., surfactants, that are used to impart desired coating properties to the subject composition. They are not components used to impart desired repellent properties to the resultant coating.

Secondary reference Ward does not cure these deficiencies.

Ward discloses floor coating compositions that contain, *inter alia*, ferric oxide particles. Such compositions would not be deemed relevant by those skilled in the art seeking to develop coating compositions for textile and leather goods.

Furthermore, Ward does not disclose or suggest use of ester derivatives having the recited melting point and solubility properties recited in Applicants' claims.

For these reasons, Applicants respectfully submit that a *prima facie* case of obviousness has not been established and request that the rejection be withdrawn.

CONCLUSION

In view of the above, it is submitted that the application is in condition for allowance.

Respectfully submitted,

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